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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,138	08/10/2000	Tetsujiro Kondo	450100-4983.1	6384

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EXAMINER

DO, ANH HONG

ART UNIT PAPER NUMBER

2624

DATE MAILED: 07/15/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,138

Applicant(s)

KONDO ET AL.

Examiner

ANH H DO

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3, 5-7, 10-14, and 16-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Tsutsui et al. (U.S. Patent No. 5,765,126).

Regarding claim 1, Tsutsui discloses:

- receiving means 603 and 604 for receiving tone characteristic component (corresponding to the claimed first information) and noise characteristic component (corresponding to the claimed second information), respectively (Fig. 1);
- coding means 603 for coding the tone characteristic component (corresponding to the claimed first information) according to the noise characteristic component (corresponding to the claimed second information) (Fig. 1) so that decoding is performed by utilizing an energy distribution possessed by the tone characteristic component (corresponding to the claimed first information) (see Fig. 2: tone characteristic component decoding circuit 702 and col. 19, lines 57-64).

Regarding claim 5, since this is a corresponding method claim of apparatus

claim 1, the discussion of claim 1 applies hereto.

Regarding claim 6, Tsutsui discloses:

- receiving means 701 for receiving coded data (Fig. 2);
- decoding means 702 and 703 for decoding coded into the tone characteristic component (corresponding to the claimed first information) and the noise characteristic component (corresponding to the claimed second information) by utilizing an energy distribution possessed by the tone characteristic component (Fig. 2 and col. 19, lines 57-64).

Regarding claim 10, since this is a corresponding method claim of apparatus claim 6, the discussion of claim 6 applies hereto.

Regarding claims 11 and 16, since each of these claims is a combination of claims 1 and 6, the discussion of claims 1 and 6 apply hereto.

Regarding claim 17, Tsutsui discloses a disc 609 (corresponding to the claimed storage medium) for storing coded data obtained by coding the tone characteristic component (corresponding to the claimed first information) according to the noise characteristic component (corresponding to the claimed second information) so that decoding is performed by utilizing an energy distribution of the tone characteristic component (Figs. 1 and 2, and col. 19, lines 57-64).

Regarding claims 2, 7, 12, 13, and 18, Tsutsui teaches coding means 603 codes the tone characteristic component (corresponding to the claimed first information) according to the noise characteristic component (corresponding to the claimed second information) so that decoding is performed by utilizing at least the correlation of the tone

characteristic component (Fig. 1 and 2, col. 10, lines 8-20, teaches the use of position information of the tone characteristic component).

Regarding claims 3, 8, 14, and 19, Tsutsui teaches the tone and noise characteristic components are information of identical media (i.e., terminal 600 being supplied with an acoustic signal waveform).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 9, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsutsui et al. (U.S. Patent No. 5,765,126) in view of Yamadaji (U.S. Patent No. 6,192,138).

Tsutsui discloses the tone characteristic component (i.e., the claimed first information (Fig. 1).

Tsutsui does not disclose expressly the first information is an image.

Yamadaji discloses the first information is an image (captured by a CCD) (col. 7, lines 32-36).

Tsutsui & Yamadaji are combinable because they are from encoding method.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to employ the image taught by Yamadaji in the encoding system of Tsutsui.

The suggestion/motivation for doing so would have been to improve efficiency of encoding without deteriorating the output quality (Tsutsui, col. 5, lines 30-32).

Therefore, it would have been obvious to combine Tsutsui with Yamadaji to obtain the invention as specified in claims 4, 9, 15, and 20.

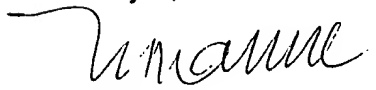
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H DO whose telephone number is 703-308-6720. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID K MOORE can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 7, 2004.


ANH HONG DO
PRIMARY EXAMINER